

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TQ DELTA, LLC,

*Plaintiff,*

V.

COMMSCOPE HOLDING COMPANY, INC., COMMSCOPE INC., ARRIS INTERNATIONAL LIMITED, ARRIS GLOBAL LTD., ARRIS US HOLDINGS, INC., ARRIS SOLUTIONS, INC., ARRIS TECHNOLOGY, INC., and ARRIS ENTERPRISES, LLC,

*Defendants.*

[illegible]

CIVIL ACTION NO. 2:21-CV-00310-JRG  
(LEAD CASE)

V.

NOKIA CORP., NOKIA SOLUTIONS  
AND NETWORKS OY, and NOKIA OF  
AMERICA CORP.,

*Defendants.*



CIVIL ACTION NO. 2:21-CV-00309-JRG  
(MEMBER CASE)

NOKIA OF AMERICA CORP.

*Third-Party Plaintiff,*

V.

BROADCOM CORP., BROADCOM INC.,  
and AVAGO TECHNOLOGIES  
INTERNATIONAL SALES PTE. LTD.

*Third-Party Defendants.*


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CIVIL ACTION NO. 2:21-CV-00309-JRG  
(MEMBER CASE)

## ORDER

Before the Court is Defendant Nokia of America Corporation's Motion to Dismiss Under Rule 12(b)(6) for Failure to Plead Compliance with the Actual Notice and Marking Requirements of 35 U.S.C. § 287(a) (the "Motion") in member case 2:21-cv-00309 (the "-309 action"). (-309 action, Dkt. No. 20). In the Motion, Nokia requests that the Court dismiss (1) Plaintiff TQ Delta, LLC's ("TQ Delta") claims related to expired patents and (2) TQ Delta's claim to entitlement of past damages for unexpired patents because Nokia argues that TQ Delta failed to plead actual notice before filing its Complaint and compliance with the marking provisions of 35 U.S.C. § 287(a). (*Id.* at 6, 14). The parties' briefing raises the same arguments and responses as Nokia Corporation and Nokia Solutions and Networks Oy's mirror motion to dismiss in lead case 2:21-cv-00310 (the "-310 action"). (-310 action, Dkt. No. 44). The Court recently issued a memorandum opinion and order denying Nokia Corporation and Nokia Solutions and Networks Oy's mirror motion to dismiss in the lead case. (-310 action, Dkt. No. 186). Accordingly, for the same reasons set forth in the Court's Memorandum Opinion and Order Denying Nokia Corporation and Nokia Solutions and Networks Oy's Motion to Dismiss Under Rule 12(b)(6) for Failure to Plead Compliance with the Actual Notice and Marking Requirements of 35 U.S.C. § 287(a) (-310 action, *see* Dkt. No. 186), the instant Motion (-309 action, Dkt. No. 20) is **DENIED**.

**So ORDERED and SIGNED this 28th day of June, 2022.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE